

## **FISCAL NOTE**

### **SB 796 - HB 770**

April 10, 2001

**SUMMARY OF BILL:** Allows any person sentenced for any offense to petition the court for DNA analysis of evidence. The court must order a DNA test if certain conditions are met and there is a reasonable probability that the petitioner would not have been prosecuted or convicted or the verdict or sentence would have been more favorable to the defendant. If the DNA evidence is favorable to the petitioner, the court must order a hearing. The bill also repeals the current provision, which allows a person sentenced to death to petition the trial court for DNA evidence under certain circumstances. The court may order the petitioner to pay for the test.

#### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - Exceeds \$100,000 One-Time  
Less than \$100,000 Recurring**

**Other Fiscal Impact - To the extent that individuals currently incarcerated were released from incarceration as a result of the DNA analysis, there would be a decrease in state expenditures of approximately \$15,400 annually for each inmate released. The number of inmates that would be released cannot be determined.**

Assumes a significant number of inmates currently incarcerated will petition the court for DNA testing and test will occur upon passage of the bill which will be a one-time cost. A recurring costs for other inmates that enter the system at a later time will also result in some increase in state expenditures that is estimated to be less than \$100,000.

#### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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